

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 04-46(1) (DWF/JSM)

Plaintiff,

v.

ORDER AND MEMORANDUM

Marileen Bonita Edgar,

Defendant.

Ann M. Anaya, Assistant United States Attorney, United States Attorney's Office,
counsel for Plaintiff.

Marileen Bonita Edgar, *Pro Se*, Defendant.

Andrew H. Mohring, Assistant Federal Defender, Office of the Federal Defender,
counsel for Defendant.

This matter is before the Court pursuant to Defendant Marileen Bonita Edgar's ("Defendant") request for a reduction of her sentence pursuant to 18 U.S.C. § 3582(c)(2), asserting that she is entitled to a reduction of her Guidelines sentence due to a change by the United States Sentencing Commission regarding the sentencing disparity between powder and crack cocaine. The United States opposes Defendant's motion.

Based upon the submissions of the parties, the Court having reviewed the contents of the file in this matter and its procedural history, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Marileen Bonita Edgar's motion for a reduction in her sentence (Doc. No. 97) is respectfully **DENIED**.

Dated: July 16, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge

MEMORANDUM

On September 23, 2004, the Court sentenced the above-named Defendant to a period of 120 months with the United States Bureau of Prisons. The Court sentenced the Defendant based on a mandatory minimum term of imprisonment of 10 years, or 120 months, the lowest possible Guidelines sentence available to the Court and the parties, then and now, because of the mandatory minimum established of 120 months.

As noted by the United States in their position pleading to the Court, a defendant who receives the mandatory minimum term of imprisonment is not eligible to receive a reduction of a sentence pursuant to 18 U.S.C. § 3582(c)(2). *United States v. Jones*, 523 F.3d 881, 882 (8th Cir. 2008) Consequently, the Defendant is not entitled to a sentence reduction below 120 months. For this reason, the Court has denied Defendant's motion for a reduction of sentence.

D.W.F.